

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

DEC 17 2019

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

AT 0'CLOCK for the
John Northern District of New York

UNITED STATES OF AMERICA)

v.)

CYNTHIA DAVIDO)

Defendant)

Case No. 5:19-MJ-852(TWD)

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of at least in or about July 2019 up to and including at least in or about November 2019, in the county of Onondaga and other Counties in the Northern District of New York the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code, Section 1349	Conspiracy to commit bank fraud
Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2	Aggravated identity theft

This criminal complaint is based on these facts:
See attached.

☒ Continued on the attached sheet.


ATTESTED TO BY THE APPLICANT IN ACCORDANCE
WITH THE REQUIREMENTS OF RULE 4.1 OF THE
FEDERAL RULES OF CRIMINAL PROCEDURE


Complainant's signature
Kevin Gonyo, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: Dec 17, 2019


Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF FBI SPECIAL AGENT KEVIN GONYO

KEVIN GONYO, being duly sworn, deposes and says:

I. Introduction

1. I am a Special Agent with the FBI, and have been for approximately 3 and a half years. Over the course of my career, I have conducted or participated in the investigation of various forms of fraud and financial crimes, including money laundering and fraudulent schemes involving stolen goods. During the course of these and other investigations, I have participated in surveillance, undercover transactions, the introduction of undercover Agents, the execution of search warrants, debriefings of informants, reviews of taped conversations, and been involved in investigations that included the interception of wire and electronic communications. I have also become familiar with the ways in which members of criminal organizations use cellular phones and other communication devices to facilitate illicit activities, including fraud.

2. I submit this affidavit in support of a criminal complaint charging CYNTHIA DAVIDO, the defendant, with violations of Title 18, United States Code, Section 1349 (conspiracy to commit bank fraud) and Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (aggravated identity theft).

II. Basis for Information

3. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, my conversations with other law enforcement officials, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. As detailed below, CYNTHIA DAVIDO, the defendant, is a participant in a scheme to steal means of identification from various individuals and use the stolen means of identification to make fraudulent bank transactions at various financial institutions in the Northern District of New York and elsewhere, including at banks in Onondaga, Oneida, and Otsego Counties, New York. In each of the transactions described below, DAVIDO used the means of identification of various theft victims, including the person's name, without the person's consent, to obtain funds from that person's bank account.

Account-1

5. On or about September 16, 2019, a victim ("Victim-1") report to the Columbia County Sheriff's Office in Greenport, NY, that her purse, containing among other items, her driver's license and Community Bank debit card, were stolen from her vehicle.

6. On or about September 17, 2019, a victim ("Victim-2") reported to the Saratoga County Sheriff's Office in Clifton Park, NY, that her purse, containing among other items, her SEFCU Bank check book, was stolen from her car.

7. On or about September 16, 2019, a victim ("Victim-3") reported to the Columbia County Sheriff's Office in Greenport, NY, that her purse, containing among other items, her People's United Bank check book, was stolen from her car.

8. Based on my review of documents from Community Bank, I have learned, in substance and in part, the following:

a. On or about October 10, 2019, and October 11, 2019, at Community Bank branches in Oneonta, NY, Rome, NY, Westmoreland, NY, and Vernon, NY, an individual cashed checks made out to Victim-1 against Victim-2 and Victim-3's bank accounts. At each transaction, the individual provided a bank teller the driver's license of another person, Victim-1, the accountholder for Account-1.

b. In total, the individual cashed a total of 11 checks and obtained a total of \$23,690.

Account-2

9. On or about November 2, 2019, a victim ("Victim-4") reported to the Onondaga County Park Rangers in Liverpool, NY, that her purse, containing among other items, her driver's license, United States Passport, and Community Bank debit card, were stolen from her car.

10. On or about November 3, 2019, a victim ("Victim-5") reported to the Shrewsbury Police Department in Shrewsbury, MA, that her purse, containing among other items, her Webster Five check book, was stolen from her car.

11. Based on my review of documents from Community Bank, I have learned, in substance and in part, the following:

a. On or about November 5, 2019, and November 6, 2019, at Community Bank branches in Oneonta, New York and Westmoreland, New York, an individual cashed checks made out to Victim-4 against Victim-5's bank accounts. At each transaction, the individual provided a bank teller the driver's license of another person, Victim-4, the accountholder for Account-2.

b. In total, the individual attempted to cash 8 checks and successfully cashed 7 checks and obtained a total of \$14,050.

Account-3

12. On or about July 16, 2019, a victim ("Victim-6") reported to the New York State Park Police in Saratoga Springs, NY, that her purse, containing among other items, her driver's license and Citizen's Bank debit card, were stolen from her car.

13. Based on my review of documents from Citizen's Bank, I have learned, in substance and in part, the following:

a. On or about October 18, 2019, at a Citizen's Bank branch in Vails Gate, NY, an individual made two withdrawals using withdrawal slips from an account belonging to Victim-6. At each transaction, the individual provided a bank teller the driver's license of another person, specifically, Victim-6, the accountholder for Account-3.

b. In total, the individual successfully completed two withdrawals and obtained a total of \$2,000.

Account-4

14. On or about September 1, 2019, a victim ("Victim-7") reported to the Valley Forge National Park Law Enforcement in King of Prussia, PA, that her purse, which contained among other items, her driver's license and debit card, was stolen from her car.

15. On or about September 4, 2019, a victim ("Victim-8") reported to the Pennsylvania State Police in Lower Macungie Township, PA, that her purse, containing among other items, her driver's license and debit card, was stolen from her car.

16. On or about August 28, 2019, a victim ("Victim-9") reported to the Muhlenberg Township Police Department in Reading, PA, that her purse, containing among other items, her check book, was stolen from her car.

17. On or about September 1, 2019, a victim ("Victim-10") reported to the Upper Providence Township Police Department in Oaks, PA, that her purse, containing among other items, her check book, was stolen from her car.

18. On or about August 28, 2019, a victim ("Victim-11") reported to the Pennsylvania State Police in Lancaster County, PA, that her purse, containing among other items, her check book, was stolen from her car.

19. On or about September 1, 2019, a victim ("Victim-12") reported to the West Brandywine Township Police Department in Coatesville, PA, that her purse, containing among other items, her check book, was stolen from her car.

20. Based on my review of documents from Tompkins VIST Bank, I have learned, in substance and in part, the following:

a. On or about September 5, 2019, and September 6, 2019, at Thompkins VIST Bank branches in Hamburg, PA, Leesport, PA, Bern, PA, Sinking Spring, PA, Wyomissing, PA, Exeter, PA, and Birdsboro, PA, an individual cashed checks made out to Victim-7 against Victim-8, Victim-9, Victim-10, and Victim-11's bank accounts. At each transaction, the individual provided a bank teller the driver's license of another person, specifically, Victim-7, the accountholder for Account-4.

b. In total, the individual cashed a total of 11 checks and obtained a total of \$21,760.

21. I have reviewed records and surveillance video and images from Sixt Car Rental at the Philadelphia International Airport and have learned, in substance and in part, the following:

a. On or about November 24, 2019, an individual presented Victim-6's driver's license to SIXT Car Rental to rent a car using Victim-6's name.

22. I have reviewed surveillance photographs and/or videos from of the bank transactions from paragraph 8 at Community Bank, paragraph 13 at Citizen's Bank, and paragraph 20 at Thompkins VIST Bank, and the car rental referenced in paragraph 21 and I have learned, in substance and in part, the following:

a. A white female with dirty blonde hair is seen in each bank transaction.

b. The appearance of the individual in each transaction and at each bank appears to be the same individual.

23. I have reviewed multiple arrest photographs of CYNTHIA DAVIDO, the defendant. Based on my review of those photographs with the appearance of the individual in the surveillance photographs and/or videos described in paragraph 22, I am confident they are the same person.

24. Based on my review of a police report from the Bern Township Police Department I have learned, in substance and in part, the following:


a. A Philadelphia Probation/Parole Officer assigned to oversee CYNTHIA DAVIDO's probation/parole from in or about 2013 to in or about 2014 identified the individual in the surveillance images from Thompkins VIST Bank committing the conduct described in paragraph 21 as DAVIDO.

25. Based on my training, experience, and review of open source material, I have learned that Community Bank, Thompkins VIST Bank, and Citizen's Bank were insured by the Federal Deposit Insurance Corporation from at least on or about September 5, 2019, through at least on or about November 3, 2019.

III. CONCLUSION

26. In light of the foregoing, I respectfully submit that there is probable cause to believe that CYNTHIA DAVIDO, the defendant, conspired to commit bank fraud, in violation of Title 18, United States Code, Section 1349, and committed aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2. I respectfully request that the Court authorize the filing of this complaint so that the defendant may be charged and brought to court for further proceedings in accordance with the law.

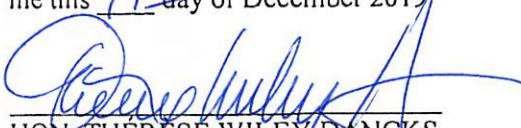
Respectfully submitted,



KEVIN GONYO, Special Agent
Federal Bureau of Investigation

ATTESTED TO BY THE APPLICANT
IN ACCORDANCE WITH THE REQUIREMENTS
OF RULE 4.1 OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE

Subscribed and sworn to before
me this 17th day of December 2019



HON. THERESE WILEY DANCKS
UNITED STATES MAGISTRATE JUDGE